

FILED
DISTRICT COURT OF GUAM
AUG 15 2006 *pk*
MARY L.M. MORAN
CLERK OF COURT

DISTRICT COURT OF GUAM
TERRITORY OF GUAM

AMERICOPTERS, LLC,

Plaintiff,

vs.

FEDERAL AVIATION ADMINISTRATION,

Defendant.

Civil Case No. 03-00005

MINUTES

☒ SCHEDULING CONFERENCE () PRELIMINARY PRETRIAL CONFERENCE
(August 15, 2006, at 9:37 a.m.)

() FINAL PRETRIAL CONFERENCE () STATUS CONFERENCE

Notes: Appearing on behalf of the Plaintiff was Elyze J.T. McDonald, Esq. Appearing for the Defendant was Assistant United States Attorney Mikel Schwab.

Ms. McDonald stated that the Plaintiff intended to file an amended complaint in order to delete the claims that were no longer viable in light of the decision of the Court of Appeals for the Ninth Circuit. Ms. McDonald also stated that the amended complaint would further delineate the Court's jurisdiction over the surviving claim(s), in light of the Defendant's belief that this Court is without jurisdiction over the action. Mr. Schwab stated that his counterparts provided him with a case which seems to suggest that the United States Court of Federal Claims – and not this Court – is the proper forum for this action. Based on her preliminary discussion with Mr. Schwab, Ms. McDonald stated that the Plaintiff would like to file an amended complaint to address the

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1 Defendant's concerns. Judge Manibusan noted that the Defendant has not yet filed an answer in
2 this action and asked whether the contemplated amended complaint would affect the dates
3 proposed in the amended scheduling order. Counsel agreed that it should not materially alter the
4 dates proposed. Mr. Schwab stated that while he was not opposed to the filing of an amended
5 complaint, he was not ready to stipulate to the filing of an amended complaint at that time without
6 first reviewing the proposed amended version. Based on the likelihood that the Plaintiff would file
7 an amended complaint, the deadline for making initial disclosures was extended from
8 September 15, 2006, to October 16, 2006.

9 Judge Manibusan went over other minor changes to the proposed amended scheduling
10 order and discovery plan submitted by the parties. Judge Manibusan made the appropriate pen and
11 ink changes and signed the amended scheduling order.

12 The conference concluded at 10:10 a.m.

13 Dated: June 15, 2006.

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16 JUDITH P. HATTORI
17 Law Clerk
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